

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
FREEPLAY MUSIC, LLC,

Plaintiff.

-against -

MAKITA CORPORATION  
and MAKITA U.S.A., INC.  
\_\_\_\_\_

Defendant.

Civil Action No.: 1:13-cv-5235-JPO

**STIPULATION AND  
[RECEIVED ORDER]  
RE: SERVICE OF THIRD AMENDED  
COMPLAINT; AND  
TIME TO RESPOND TO WRITTEN  
DISCOVERY**

**WHEREAS** the parties have agreed to resolve and avoid disputes regarding the service of process on Makita Corporation by agreeing that counsel for Makita Corporation will accept service on behalf of Makita Corp. in exchange for an extension of the time for Makita Corporation to respond to written discovery requests that may hereafter be served by plaintiff (in part to account for the time required to translate documents between Japanese and English).


**IT IS HEREBY STIPULATED THAT:**

- 1) Makita Corporation agrees that email delivery of the Third Amended Complaint on its undersigned counsel shall constitute good and proper service of process upon it;
- 2) Makita Corporation hereby waives any right to insist on service of the Third Amended Complaint through the Hague Convention and any right to move against the Third Amended Complaint on the grounds of improper service.
- 3) Makita Corporation shall have until April 4, 2014 to answer, move against, or otherwise respond to the Third Amended Complaint, except as prohibited by paragraph 2 herein.
- 4) Makita Corporation will have an additional thirty (30) days beyond the period provided by the Federal Rules of Civil Procedure to respond to Plaintiff's First Set of Interrogatories, First Set of Demands for the Production of Documents, and First Notice to

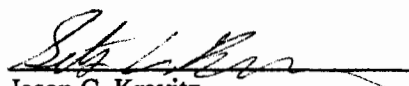
Admit, which may be hereafter served by plaintiff, and an additional fifteen (15) days beyond the period provided by the Federal Rules of Civil Procedure to respond to any subsequent written discovery requests.

Dated: February 26, 2014

**KNOBBE MARTENS OLSON & BEAR,  
LLP**

  
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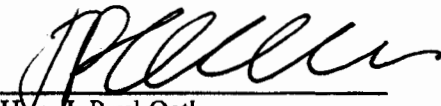
*Attorneys for Plaintiff Freeplay Music LLC*

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*Attorneys for Defendants Makita U.S.A., Inc.  
and Makita Corporation*

**SO ORDERED:**

  
Hon. J. Paul Oetken  
United States District Court Judge

2/28/14